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Patent

Attorney Docket No. 1034170-000030



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Claudlo Ferrari et al.

Application No.: 10/551,206

Filing Date: June 16, 2006

Title: INDUCTION SEALING DEVICE AND  
METHOD WHICH MAY BE USED FOR  
PRODUCING PACKAGES OF  
POURABLE FOOD PRODUCTS

MAIL STOP AMENDMENT

Group Art Unit: 3742

Examiner: DANIEL LEON ROBINSON

Confirmation No.: 4089

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ \_\_\_\_\_ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: \_\_\_\_\_
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 405 ☐ \$ 810 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	12	20	0	x \$ 50 (1202)	\$ 0
Independent Claims	2	3	0	x \$ 210 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 370 (1203)					\$ 0
<b>Total Claim Amendment Fee</b>					<b>\$ 0</b>
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0</b>

- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date April 18, 2008

By:

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Claudio Ferrari et al.	)	
Application No.: 10/551,206	)	Group Art Unit: 3742
Filed: June 16, 2006	)	Examiner: DANIEL LEON
For: INDUCTION SEALING DEVICE	)	ROBINSON
AND METHOD WHICH MAY BE	)	
USED FOR PRODUCING	)	Confirmation No.: 4089
PACKAGES OF POURABLE FOOD	)	
PRODUCTS	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement mailed March 18, 2008 states that the claims in this application are directed to two inventions, from which restriction to a single invention is required under 35 U.S.C. § 121. In response to this Restriction Requirement, Applicant elects, with traverse, the invention of Claims 1-9 and 12, drawn to an induction sealing device.

The election is made with traverse for two reasons. First, this application was filed as a U.S. national stage application under 35 U.S.C. § 371. Accordingly, restriction practice under 35 U.S.C. § 121 is not proper in this application. Rather, the unity of invention standard applies to the claims of this application. The claims here satisfy the unity of invention standard. Indeed, the claims were deemed to satisfy the unity of invention standard in the international phase of this application.

In addition, Applicants respectfully submit that the search required for the claimed device would extend into or be generally coextensive with the search

required for the non-elected claims. Further, examination of the two method claims in addition to the elected device claims would not be seriously burdensome.

In light of the foregoing, withdrawal of the restriction requirement and examination of all of the claims of this application, including Claims 1-9 and 12 directed to the elected invention, are respectfully requested.

Should any questions arise in connection with this application, the Examiner is kindly invited to call the undersigned counsel for Applicants.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 18, 2008

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